

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD DILAURI,)	
)	
Plaintiff,)	Case No. 1:09-cv-198-SJM-SPB
)	
v.)	
)	
WILLIAM P. MULLEN, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's complaint in this civil rights action was received by the Clerk of Court on August 4, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on June 1, 2011 [50], recommends that the Defendants' Motion to Dismiss Second Amended Complaint [37] be granted. On June 10, 2011, Plaintiff filed a "Notice of Appeal" [51] from the Report and Recommendation, which this Court construes as objections. After de novo review of the complaint and documents in the case, together with the Report and Recommendation and Plaintiff's objections thereto, the following order is entered:

AND NOW, this 13th Day of June, 2011;

IT IS ORDERED that the Defendants' Motion to Dismiss Second Amended Complaint [37] be, and hereby is, GRANTED.

The Report and Recommendation of Magistrate Judge Baxter, filed on June 1, 2011 [50], is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter